

Senate Study Bill 3221 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to criteria for exemptions from admission or
2 discharge requirements for assisted living programs which
3 exceed their occupancy criteria.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231C.3, subsection 1, Code Supplement
2 2009, is amended to read as follows:

3 1. The department shall establish by rule in accordance with
4 chapter 17A minimum standards for certification and monitoring
5 of assisted living programs. The department may adopt by
6 reference with or without amendment, nationally recognized
7 standards and rules for assisted living programs. The rules
8 shall include specification of recognized accrediting entities
9 and provisions related to dementia-specific programs. The
10 standards and rules shall be formulated in consultation with
11 affected state agencies and affected industry, professional,
12 and consumer groups; shall be designed to accomplish the
13 purposes of this chapter; and shall include but are not limited
14 to rules relating to all of the following:

15 a. Provisions to ensure, to the greatest extent possible,
16 the health, safety, and well-being and appropriate treatment
17 of tenants.

18 b. Requirements that assisted living programs furnish
19 the department with specified information necessary to
20 administer this chapter. All information related to a provider
21 application for an assisted living program submitted to the
22 department shall be considered a public record pursuant to
23 chapter 22.

24 c. Standards for tenant evaluation or assessment, and
25 service plans, which may vary in accordance with the nature
26 of the services provided or the status of the tenant. When a
27 tenant needs personal care or health-related care, the service
28 plan shall be updated within thirty days of occupancy and as
29 needed with significant change, but not less than annually.

30 d. (1) Provisions allowing an exemption for admission of
31 a tenant to, or an exemption from discharge of a tenant from,
32 an assisted living program, who otherwise exceeds occupancy
33 criteria, if all of the following criteria are met:

34 (a) The tenant, the tenant's legal representative, the
35 tenant's physician, and the program consent to the tenant's

1 admission or continued tenancy.

2 (b) The assisted living program has the capacity to provide,
3 obtain, or arrange for the provision of necessary services for
4 the tenant, including but not limited to certified home health
5 care or licensed hospice program care.

6 (c) The assisted living program is in substantial
7 compliance.

8 (d) Admission or retention of the tenant does not compromise
9 the safety of the tenant, any other tenant, or assisted living
10 program staff.

11 (2) If a tenant granted admission or exemption from
12 discharge under subparagraph (1) subsequently requires
13 health-related care beyond the capacity of the program as
14 specified in subparagraph (1), subparagraph division (b),
15 becomes medically unstable, or requires maximum assistance with
16 activities of daily living, the tenant shall be discharged from
17 the program and the program shall initiate proceedings for
18 involuntary transfer of the tenant in accordance with section
19 231C.6, or the program may seek a short-term waiver as provided
20 in paragraph "e".

21 ~~d.~~ e. Provisions for granting short-term waivers for
22 tenants who exceed occupancy criteria.

23 EXPLANATION

24 This bill provides for adoption of rules by the department of
25 inspections and appeals to allow an exemption for admission of
26 a tenant to, or an exemption from discharge of a tenant from,
27 an assisted living program, who otherwise exceeds occupancy
28 criteria, if specified conditions are met. The conditions
29 include: the tenant, the tenant's legal representative, the
30 tenant's physician, and the program consent to the tenant's
31 admission or continued tenancy; the program has the capacity
32 to provide, obtain, or arrange for the provision of necessary
33 services for the tenant, including but not limited to certified
34 home health care or licensed hospice program care; the program
35 is in substantial compliance; and admission or retention of the

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1 tenant does not compromise the safety of the tenant, any other
2 tenant, or program staff.

3 If the tenant granted admission or exemption from discharge
4 subsequently requires health-related care beyond the capacity
5 of the program, becomes medically unstable, or requires maximum
6 assistance with activities of daily living, the tenant must be
7 discharged from the program and transfer pursuant to existing
8 involuntary transfer proceedings, or the program may seek a
9 short-term waiver from the department for tenants who exceed
10 occupancy criteria.